IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 7291 of 2004

Between:

V. Shankar, S/o. V. Ram Murthy, R/o.H.No.5-3-405, Lakshminagar Colony,

Kukatpally, Hyderabad. 500 072.

... PETITIONER

AND

The Station House Officer, Punjagutta Police Station,
Punjagutta, Hyderabad.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent in summoning the petitioner to the police station and making him to sit in the police station for hours together without there being any sort of complaint or crime registered against him as illegal, arbitrary, unconstitutional and violative of Articles 21 of the Constitution of India and consequently direct the respondent not to interfere with the personal life and liberty of the petitioner in any manner and to grant such other relief as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: K.ARUNA

Counsel for the Respondent: GP FOR HOME

The Court made the following order:

ORDER:

Petitioner submits that he has signed the surety for the chit of Rs.2,00,000/- in Suphala Charitha Chit Fund, for his brother-in-law, Mr. G. Phani Kumar, who started a consultancy company under the name and style M/s. Pasteur Software Solutions Private Limited at Ameertpet and the said chit fund company pressurized him to pay the said amount taken by his brother-in-law. In that connection, the police came to his house along with some other two persons asking the whereabouts of Mr. G. Phani Krishna. Thus, the petitioner's grievance is that the police are interfering with his life and liberty though he has not committed any crime.

Counter has been filed stating that one M. Chandra Mohan, filed a case in Cr.No.404 of 2004 for the offences under Sections 406 and 420 IPC, registered on 09.04.2004, against the said, Phani Krishna, and in connection with the said case only the police enquired the petitioner the whereabouts of his brother-in-law, who is the accused in Cr.No.404 of 2004 and no further enquiries were made in that connection. Therefore, it is incorrect to state that the police are interfering with the life and liberty of the petitioner.

In view of the aforesaid facts and circumstances of the case, I am of the opinion that the police cannot interfere in the matter of recovery of money by chit fund companies or firms or other big persons. The police cannot act as collection agents to big companies, firms or persons. In the counter nothing has been stated about the surety given by the petitioner for

the amount said to have been taken by the Mr. Phani Krishna from the said chit fund company.

Accordingly, the writ petition is allowed directing the respondents not to interfere with the life and liberty of the petitioner in any manner. No costs.

_____

V. ESWARAIAH, J

April 5, 2005

Dsk

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this

Tuesday the Fifth Day of April Two Thousand and Five.

To

1. The Station House Officer, Punjagutta Police Station, Punjagutta, Hyderabad.

2. Two CCs to GP For Home, High Court Buildings, Hyderabad (OUT)

Two CD Copies.